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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,453	11/21/2003	Kevin L. Bostrom	LUC-446/Bostrom 6-7-12	2590
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EXAMINER TRAN, NGHI V				
ART UNIT 2451		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,453

Applicant(s)

BOSTROM ET AL.

Examiner

NGHI V. TRAN

Art Unit

2451

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This office action is in response to the amendment filed on July 29, 2008. No claims have been amended. Claims 21-22 have been canceled. Therefore, claims 1-20 are presented for further examination.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-13 and 20 are rejected under 35 U.S.C. 101 because of the following reasons:

4. Claims 1 and 20 is directly not limited to "functional descriptive material" because claims 1 and 20 are directly and/or indirectly to a computer program and/or a computer software application. According to "Patent Eligibility Guidelines 35 USC 101", pages 50-51, and according to MPEP 2106 page 2100-2012, a computer program is directed to non-statutory subject matter. For example, the Interim Guidelines recites "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory..." For example, the claim 1 recites "an apparatus comprising: an application server component that servers..." and the claim 20 recites "an article, comprising: one or more

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computer-readable signal bearing media; (emphasis added). Further, in the paragraphs 0032 and 0033 of the specification, the applicant wrote, “the apparatus comprises computer software components and example of a computer readable signal bearing medium comprises electrical medium” that are directed to non-statutory subject matter because claims 1 and 20 are just limited to computer program and computer application per se, instead being defined as including structurally and functionally interrelated to the medium. Therefore, claims 1 and 14 are directed to non-statutory subject matter because they are not directly to “functional descriptive material”.

5. Claims 2-12 are also rejected under 35 U.S.C. 101 because they are directly on independent claim 1.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-3, 5-7, 11, 14-15, and 17-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Bravo et al., United States Patent Application Publication Number 2002/0177433 (hereinafter Bravo).

8. With respect to claims 1, 14, and 20, Bravo teaches an apparatus [= server **120**], comprising:

- an application server component [= cellular-based access control process **500**] that serves to maintain one or more communication session restrictions set [=] by one or more administrators [= access control administrator **130**] for one or more mobile communication devices [= user cellular telephone **115**] [figs.1-2];
- wherein the application server component employs one or more of the one or more communication session restrictions to advise one or more network components for control of one or more connections of one or more communication sessions for one or more of the one or more mobile communication devices [= restricted item provider 120 sends message to access control administrator 130 with assigned token and instruction to call access control administrator, steps 560 and 570 of fig.5];
- wherein the one or more network components [= cellular routing database **400**, authorized user database **300**, and/or cellular-based access control process **500**] comprises a network component [= cellular routing database], wherein the one or more connections of the one or more communication sessions for the one or more of the one or more mobile communication devices comprises a connection [= authentication process] of a

communication session for a mobile communication device [paragraphs 0034-0036];

- wherein upon receipt of an indication [= indicating the user's cellular telephone number, paragraph 0013] that the communication session involves the mobile communication device, the application server component checks [= granting access to user? step 580 of fig.5] one or more of the one or more communication session restrictions [fig.5];
- wherein the one or more communication session restrictions comprise one or more communication session restrictions on incoming communication session terminated [= deny access step 595] to the mobile communication device [fig.5].

9. With respect to claims 2 and 19, Bravo further teaches wherein the one or more administrators employ one or more websites to set the one or more communication session restrictions [= access control administrator 130]; wherein the application server component maintains the one or more of the one or more communication session restrictions set by the one or more administrators with the one or more websites [= web-site, paragraphs 0004, 0029, and 0032-0033].

10. With respect to claims 3, 5-7, 11, 15, and 17-18, Bravo further teaches wherein if the one or more of the one or more communication session restrictions allows the connection of the communication session for the mobile communication device, then the

application server component advises the network component to allow the connection of the communication session for the mobile communication device [= permit access, step 590 of fig.5].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 4 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bravo, as applied in claims 1 and 14 above, in view of Klensin et al., United States Patent Application Publication Number 2003/0191971 (hereinafter Klensin).

13. With respect to claims 4 and 16, Bravo does not explicitly show wherein the application server component advises the network component to send a warning of a communication session termination to the mobile communication device.

In a method of and system for controlling Internet access, Klensin discloses wherein the application server component advises the network component to send a warning of a communication session termination to the mobile communication device [= reporting the reason for the blocking and prompting the user either to upgrade to higher access level or to appeal the blocking for later parental review, paragraph 0029].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Klensin by advising the network components to send a warning of communication session termination to the mobile communication device because this feature manages the violation for the particular customer [Klensin, paragraph 0029]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to prompt the user either to upgrade to higher access level or to appeal the blocking for later parental review [Klensin, paragraph 0029].

14. Claims 8-9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bravo, as applied in claim 1 above, in view of Karak et al., United States Patent Application Publication Number 2002/016821 (hereinafter Barak).

15. With respect to claim 8, Bravo does not explicitly show wherein the request comprises an emergency request, wherein the application server component allows the communication session for the mobile communication device.

In a related art, Barak suggests or discloses wherein the request comprises an emergency request, wherein the application server component allows the communication session for the mobile communication device [paragraphs 0022-0026 and 0031].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Barak by allowing the

communication session for the mobile communication device because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

16. With respect to claim 9, Bravo does not explicitly show wherein the communication session comprises an incoming call, wherein the application server component sends the incoming call to a messaging component of the mobile communication device.

In a related art, Barak suggests or discloses wherein the communication session comprises an incoming call, wherein the application server component sends the incoming call to a messaging component of the mobile communication device [paragraphs 0022-0026 and 0031].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Barak by sending the incoming call to a messaging component of the mobile communication device because this feature enable the users to monitor and/or view the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

17. With respect to claim 13, Bravo does not explicitly show wherein the one or more of the one or more communication session restrictions comprise one or more of a time limit, a session limit, a user limit, and a website limit; wherein the application server component employs the one or more of the time limit, the session limit, the user limit, and the website limit to advise the one or more network components for control of the one or more connections of the one or more communication sessions for the one or more of the one or more mobile communication devices.

In a related art, Barak suggests or discloses wherein the one or more of the one or more communication session restrictions comprise one or more of a time limit, a session limit, a user limit, and a website limit; wherein the application server component employs the one or more of the time limit, the session limit, the user limit, and the website limit to advise the one or more network components for control of the one or more connections of the one or more communication sessions for the one or more of the one or more mobile communication devices [For instance, call control limitations may include budgetary, time, geographic, and other limitation, see abstract and paragraphs 0020-0046].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Barak by employing the one or more of the time limit, the session limit, the user limit, and the website limit to advise the one or more network components for control of the one or more connections of the one or more communication session for the one or more of the one or more mobile communication devices because this feature enable the users to monitor and/or view

the details of only his or her account [Barak, paragraph 0042]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to ensure the cost/time of the call does not exceed the remaining account balance [Barak, paragraph 0034].

18. Claims 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bravo, as applied to claim 1 above, in view of Barnes, JR., United States Patent Application Publication Number 2005/0136949 (hereinafter Barnes).

19. With respect to claims 10 and 12, Bravo does not explicitly show wherein an originator of the incoming call leaves a voice message for a user of the mobile communication device, wherein the application server component converts the voice message to a short message service message or an email; wherein the application server component sends the short message service message or the email through the network component to the mobile communication device.

In a related art, Barnes suggests wherein an originator of the incoming call leaves a voice message for a user of the mobile communication device, wherein the application server component converts the voice message to a short message service message or an email; wherein the application server component sends the short message service message or the email through the network component to the mobile communication device [paragraph 0387].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Barnes by converting the voice message to a short message service message or an email because this feature provides a system, method apparatus, and computer program product for automatically processing in a wireless network communications [paragraph 0008]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to wirelessly exchange select information with other users and system [paragraph 0010].

Response to Arguments

20. Applicant's arguments filed July 29, 2008 have been fully considered but they are not persuasive as following: Bravo teaches an apparatus [= server **120**], comprising: an application server component [= cellular-based access control process **500**] that serves to maintain one or more communication session restrictions set [=] by one or more administrators [= access control administrator **130**] for one or more mobile communication devices [= user cellular telephone **115**] [figs.1-2]; wherein the application server component employs one or more of the one or more communication session restrictions to advise one or more network components for control of one or more connections of one or more communication sessions for one or more of the one or more mobile communication devices [= restricted item provider 120 sends message to access control administrator 130 with assigned token and instruction to call access control administrator, steps 560 and 570 of fig.5]; wherein the one or more network

components [= cellular routing database **400**, authorized user database **300**, and/or cellular-based access control process **500**] comprises a network component [= cellular routing database], wherein the one or more connections of the one or more communication sessions for the one or more of the one or more mobile communication devices comprises a connection [= authentication process] of a communication session for a mobile communication device [paragraphs 0034-0036]; wherein upon receipt of an indication [= indicating the user's cellular telephone number, paragraph 0013] that the communication session involves the mobile communication device, the application server component checks [= granting access to user? step 580 of fig.5] one or more of the one or more communication session restrictions [fig.5]; wherein the one or more communication session restrictions comprise one or more communication session restrictions on incoming communication session terminated [= deny access step 595] to the mobile communication device [fig.5].

21. In response to applicant's argument that Bravo does not teach or suggest communication session restrictions on incoming communication sessions terminated to the mobile communication device, the examiner respectfully disagrees. For example, Bravo discloses communication session restrictions [= deny access step 595 of fig.5] on incoming communication sessions terminated to the mobile communication device [= the user is denied access to the restricted item ... program control then terminates, paragraph 0036]. The user 110 is a user computing device [paragraph 0025]. The user computing device comprises PC, workstation, ... or PDA. Further, the applicant's does

not commensurate with the scope of the claim. The claims directly recite "restrict communications to the mobile communication device". However, the claim does not recite "restrict communications to the cell phone" (emphasis added). Thus, PDA is nothing more than the mobile communication device. Therefore, Bravo discloses claimed feature as show in the above.

22. In response to applicant's argument that Klensin fails to make any mention of a mobile communication device or communication session restriction on incoming communication sessions terminated to the mobile to the mobile communication device, the examiner respectfully disagrees. The applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Bravo discloses communication session restrictions [= deny access step 595 of fig.5] on incoming communication sessions terminated to the mobile communication device [= the user is denied access to the restricted item ... program control then terminates, paragraph 0036]. The user 110 is a user computing device [paragraph 0025]. The user computing device comprises PC, workstation, ... or PDA. PDA is nothing more than the mobile communication device. However, Bravo does not explicitly show wherein the application server component advises the network component to send a warning. The examiner recognizes that obviousness can only be

established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In a related art, Klensin discloses advises the network component to send a warning [= reporting the reason for blocking, paragraph 0029]. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Klensin by advising the network components to send a warning because this feature manages the violation for the particular customer [Klensin, paragraph 0029]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to prompt the user either to upgrade to higher access level or to appeal the blocking for later parental review [Klensin, paragraph 0029]. Therefore, the combination of Bravo and Klensin disclose the claimed feature as show in above.

23. In response to applicant's argument that there is no teaching or suggestion in the office action's citations to Bravo, Klensin, Barak, and Barnes of the restrictions on incoming communication sessions terminated to the mobile communication device, the examiner respectfully disagrees. The applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642F. 2d 413, 208

USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In this case, Bravo discloses communication session restrictions [= deny access step 595 of fig.5] on incoming communication sessions terminated to the mobile communication device [= the user is denied access to the restricted item ... program control then terminates, paragraph 0036]. The user 110 is a user computing device [paragraph 0025]. The user computing device comprises PC, workstation, ... or PDA. PDA is nothing more than the mobile communication device. However, Bravo does not explicitly show wherein the application server component advises the network component to send a warning. The examiner recognizes that obviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In a related art, Klensin discloses advises the network component to send a warning [= reporting the reason for blocking, paragraph 0029]. Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bravo in view of Klensin by advising the network components to send a warning because this feature manages the violation for the particular customer [Klensin, paragraph 0029]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to prompt the user either to upgrade to higher access level or to appeal the blocking for later parental review [Klensin, paragraph 0029]. Therefore, the

combination of Bravo, Klensin, Barak, and Barnes disclose the claimed feature as shown above.

24. In response to applicant's argument that the rejection of claims 1-13 and 20 under 35 USC 101 is traversed, the examiner respectfully disagrees. Claims 1 and 20 are directly not limited to "functional descriptive material" because claims 1 and 20 are directly and/or indirectly to a computer program and/or a computer software application. According to "Patent Eligibility Guidelines 35 USC 101", pages 50-51, and according to MPEP 2106 page 2100-2012, a computer program is directed to non-statutory subject matter. For example, the Interim Guidelines recites "When functional descriptive material is recorded on some computer-readable medium it becomes structurally and functionally interrelated to the medium and will be statutory..." For example, the claim 1 recites "an apparatus comprising: an application server component that servers..." and the claim 20 recites "an article, comprising: one or more computer-readable signal bearing media; (emphasis added). Further, in the paragraphs 0032 and 0033 of the specification, the applicant wrote, "the apparatus comprises computer software components and example of a computer readable signal bearing medium comprises electrical medium" that are directed to non-statutory subject matter because claims 1 and 20 are just limited to computer program and computer application per se, instead being defined as including structurally and functionally interrelated to the medium. Therefore, claims 1 and 14 are directed to non-statutory subject matter because they are not directly to "functional descriptive material".

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi Tran
Patent Examiner
Art Unit 2451

November 18, 2008

.....
/John Follansbee/
Supervisory Patent Examiner, Art Unit 2451